

# AUSLEY & MCMULLEN

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET  
P.O. BOX 391 (ZIP 32302)  
TALLAHASSEE, FLORIDA 32301  
(850) 224-9115 FAX (850) 222-7560

September 23, 2008

HAND DELIVERED

RECEIVED-PPSC  
08 SEP 23 PM 3:00  
COMMISSION  
CLERK

Ms. Ann Cole, Director  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Petition for Rate Increase by Tampa Electric Company  
FPSC Docket No. 080317-EI

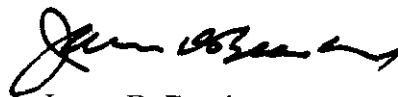
Dear Ms. Cole:

Enclosed for filing in the above docket are the original and fifteen (15) copies of Tampa Electric Company's Preliminary Objections to Citizens' Third Set of Interrogatories.

Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,



James D. Beasley

COM	___
ECR	___
GCL	3
OPC	___
RCP	1
SSC	1
SGA	2
ADM	___
CLK	___

JDB/pp  
Enclosure

cc: All Parties of Record (w/enc.)

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Rate Increase       )  
by Tampa Electric Company.        )  
\_\_\_\_\_ )

DOCKET NO. 080317-EI

FILED: September 23, 2008

**TAMPA ELECTRIC COMPANY'S PRELIMINARY OBJECTIONS  
TO CITIZENS' THIRD SET OF INTERROGATORIES**

Tampa Electric Company ("Tampa Electric" or the "company") submits the following Preliminary Objections to Citizens' Third Set of Interrogatories, specifically Nos. 22 and 33.

**I. General Objections.**

Tampa Electric asserts the following general objections to Citizens' Third Interrogatories, Nos. 16 - 48:

1. Tampa Electric objects to each and every individual interrogatory to the extent it calls for information protected by the attorney-client privilege, the work product doctrine, the accountant-client privilege, the trade secret privilege, or any other applicable privilege or protection afforded by law, whether such privilege or protection appears at the time response is first made or is later determined to be applicable for any reason. Tampa Electric in no way intends to waive any such privilege or protection.

2. Tampa Electric objects to each individual interrogatory to the extent it requires production of information that is proprietary, confidential business information without provisions in place to protect the confidentiality of the information. Tampa Electric in no way intends to waive claims of confidentiality and will only produce such information subject to protective order, the Commission's rule on confidentiality and non-disclosure agreements for

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

consultants hired by OPC. In order to facilitate OPC's review, Tampa Electric will file its request for a protective order prior to providing an answer.

3. Tampa Electric objects to any definition or instruction or question in any interrogatory that seeks information from persons or entities who are not parties to this proceeding or that are not subject to discovery under applicable rules.

4. Tampa Electric objects to each interrogatory to the extent that it seeks information that is not relevant to the subject matter of this docket and is not reasonably calculated to lead to the discovery of admissible evidence.

5. Tampa Electric objects to each and every interrogatory to the extent it is vague, ambiguous, overly broad, burdensome, imprecise, or utilizes terms that are subject to multiple interpretations but are not properly defined or explained for purposes of such discovery requests. The company will attempt to seek clarification in accordance with the Order on Procedure in this docket.

6. Tampa Electric objects on grounds of relevancy to each interrogatory seeking information relating to transactions or other business activity of Tampa Electric's non-regulated sister companies where Tampa Electric was not a party to the transaction or a participant in the business activity.

7 Tampa Electric expressly reserves and does not waive any objections it may have to the admissibility, authenticity or relevancy of the information provided in its responses to the subject interrogatories.

8. Tampa Electric objects to any attempt by the party seeking discovery to evade any numerical limitations set on interrogatories by asking multiple independent discovery requests within single individual discovery requests and subparts thereof. By making these general

objections at this time, Tampa Electric does not waive or relinquish its right to assert additional general and specific objections to the subject discovery at the time Tampa Electric's response is due.

### **III. Specific Objections.**

In addition to the general objections set forth above, which are incorporated herein by reference as to each and every interrogatory contained in OPC's Third Set of Interrogatories (Nos. 16-43), Tampa Electric asserts the following specific objections:

22. Annualization of Two CTs. Please provide any Commission precedent or Order on which the Company relies on which authorizes or implies that it is appropriate to annualize plant put in service during a projected test year. Be specific and point out the specific language and the basis upon on which the Commission authorized annualizations of plant put in service during a projected test year.

**Objections:** In addition to its general objections, which are incorporated herein by reference, the Company objects to this interrogatory on grounds that it cannot answer the interrogatory without disclosing materials prepared in anticipation of litigation and the mental impressions and trial strategies of its attorneys, all of which are privileged and beyond the scope of discovery.

23. Annualization of Three CTs. Please provide any Commission precedent or Order on which the Company relies upon which authorizes or implies that it is appropriate to annualize plant put in service during a projected test year. Be specific and point out the specific language and the basis upon on which the Commission authorized annualizations of plant put in service during a projected test year.

**Objections:** In addition to its general objections, which are incorporated herein by reference, the Company objects to this interrogatory on grounds that it cannot answer the interrogatory without disclosing materials prepared in anticipation of litigation and the mental impressions and trial strategies of its attorneys, all of which are privileged and beyond the scope of discovery.

DATED this 23<sup>rd</sup> day of September 2008.

Respectfully submitted,



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LEE L. WILLIS  
JAMES D. BEASLEY  
KENNETH R. HART  
J. JEFFRY WAHLEN  
Ausley & McMullen  
Post Office Box 391  
Tallahassee, FL 32302  
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

**CERTIFICATE OF SERVICE**  
**DOCKET NO. 080317-EI**

I HEREBY CERTIFY that a true and correct copy of the foregoing Objections to Citizens' Third Interrogatories (Nos. 22-23), filed on behalf of Tampa Electric Company, has been furnished by U. S. Mail or hand delivery (\*) on this 23<sup>rd</sup> day of September 2008 to the following:

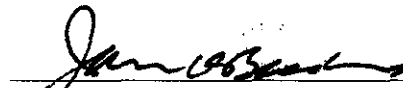
Keino Young/Martha Brown\*  
Jennifer Brubaker/Jean Hartman  
Office of General Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

J. R. Kelly/Patricia A. Christensen  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400

Robert Scheffel Wright  
John T. LaVia, III  
Young van Assenderp, P.A.  
225 South Adams Street, Suite 200  
Tallahassee, FL 32301

Vicki Gordon Kaufman  
Jon C. Moyle, Jr.  
Anchors Smith Grimsley  
118 North Gadsden Street  
Tallahassee, FL 32301

John W. McWhirter, Jr.  
McWhirter, Reeves & Davidson, P.A.  
Post Office Box 3350  
Tampa, FL 33601-3350

  
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ATTORNEY